

HOUSE BILL 809

M4

11r2462

By: Delegates Afzali, Barkley, Bates, Clagett, Frick, Hough, Jacobs, Kaiser, Kramer, McConkey, McDermott, Niemann, Otto, Ready, Rosenberg, Smigiel, ~~and Valderrama~~ Valderrama, Cane, and Hogan

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2011

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Maryland Standard of Identity for Honey – ~~Labeling~~**

3 FOR the purpose of ~~prohibiting a person from labeling a certain product as honey~~
4 ~~unless the product meets~~ establishing a certain standard of identity for honey;
5 requiring the standard to be applied to certain products; authorizing the
6 designation of certain products as honey; requiring certain products to be
7 distinguished from pure honey under certain circumstances; ~~authorizing a~~
8 person to label a certain product as a honey blend under a certain circumstance;
9 ~~authorizing the Department of Agriculture to examine a certain product for a~~
10 ~~certain purpose under a certain circumstance; requiring the Department to~~
11 ~~charge a certain person a certain fee if the Department conducts a certain~~
12 ~~examination; requiring the Department to give notice of a certain fee to a~~
13 ~~certain person before conducting a certain examination;~~ authorizing a person
14 who has suffered certain damages to bring ~~an~~ a certain action to recover
15 damages in a certain court; clarifying that, notwithstanding certain provisions
16 of law, the Department of Agriculture is not required to enforce the
17 requirements of this Act; ~~providing that certain damages may not exceed a~~
18 ~~certain amount;~~ defining a certain terms ~~term;~~ and generally relating to ~~the~~
19 ~~regulation of the sale of~~ establishing a standard of identity for honey in
20 Maryland.

21 BY adding to

22 Article – Agriculture

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 10-1801 through ~~10-1804~~ 10-1807 to be under the new subtitle
 2 “Subtitle 18. ~~Products Sold as~~ Standard of Identity for Honey”
 3 Annotated Code of Maryland
 4 (2007 Replacement Volume and 2010 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Agriculture**

8 **SUBTITLE 18. ~~PRODUCTS SOLD AS~~ STANDARD OF IDENTITY FOR HONEY.**

9 **10-1801.**

10 (A) IN THIS SUBTITLE ~~THE FOLLOWING WORDS HAVE THE MEANINGS~~
 11 ~~INDICATED.~~

12 ~~(B) “HONEY” MEANS THE NATURAL SWEET SUBSTANCE PRODUCED BY~~
 13 ~~HONEYBEES FROM THE NECTAR OF PLANTS, THE SECRETIONS OF LIVING PARTS~~
 14 ~~OF PLANTS, OR THE EXCRETIONS OF PLANT-SUCKING INSECTS ON THE LIVING~~
 15 ~~PARTS OF PLANTS, WHICH THE BEES COLLECT, TRANSFORM BY COMBINING~~
 16 ~~WITH CERTAIN SUBSTANCES OF THEIR OWN, DEPOSIT, DEHYDRATE, STORE, AND~~
 17 ~~LEAVE IN THE HONEYCOMB TO RIPEN AND MATURE.~~

18 ~~(C) “PRODUCT” MEANS A FOOD PRODUCT~~ “HONEY” MEANS THE
 19 NATURAL FOOD PRODUCT THAT:

20 (1) RESULTS FROM THE HARVEST OF NECTAR BY HONEY BEES
 21 AND THE NATURAL ACTIVITIES OF THE HONEY BEES IN PROCESSING NECTAR;

22 (2) CONSISTS ESSENTIALLY OF DIFFERENT SUGARS,
 23 PREDOMINANTLY FRUCTOSE AND GLUCOSE, AND OTHER SUBSTANCES,
 24 INCLUDING ORGANIC ACIDS, ENZYMES, AND SOLID PARTICLES DERIVED FROM
 25 HONEY COLLECTION;

26 (3) HAS THE COLOR WHICH MAY VARY FROM NEARLY COLORLESS
 27 TO DARK BROWN;

28 (4) HAS THE CONSISTENCY WHICH MAY BE FLUID, VISCOUS, OR
 29 PARTLY TO ENTIRELY CRYSTALLIZED; AND

30 (5) HAS THE FLAVOR AND AROMA WHICH ARE DERIVED FROM
 31 THE PLANT OF ORIGIN AND MAY VARY.

32 ~~10-1802.~~

~~(A) A PERSON MAY NOT LABEL A RETAIL PRODUCT AS “HONEY” UNLESS THE PRODUCT IS MADE OF 100% HONEY THAT MEETS THE STANDARD FOR HONEY ADOPTED BY THE CODEX ALIMENTARIUS COMMISSION OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS AND THE WORLD HEALTH ORGANIZATION, NUMBER 12-1981, AS AMENDED.~~

~~(B) A PERSON MAY LABEL A PRODUCT THAT DOES NOT MEET THE STANDARD UNDER SUBSECTION (A) OF THIS SECTION AS A “HONEY BLEND” IF THE PRODUCT CONTAINS A LIST OF INGREDIENTS ON THE LABEL.~~

~~10-1803.~~

~~(A) WHEN REQUESTED BY ANY PERSON, THE DEPARTMENT MAY EXAMINE A PRODUCT LABELED AS HONEY TO DETERMINE COMPLIANCE WITH THIS SUBTITLE.~~

~~(B) (1) IF THE DEPARTMENT EXAMINES A PRODUCT UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL CHARGE THE PERSON REQUESTING THE EXAMINATION A FEE NOT EXCEEDING THE REASONABLE COST OF CONDUCTING THE EXAMINATION, INCLUDING ANY ADMINISTRATIVE COSTS.~~

~~(2) BEFORE EXAMINING A PRODUCT UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE PERSON REQUESTING THE EXAMINATION OF THE AMOUNT OF THE EXAMINATION FEE.~~

10-1802.

THERE IS A MARYLAND STANDARD OF IDENTITY FOR HONEY.

10-1803.

THE MARYLAND STANDARD OF IDENTITY FOR HONEY SHALL APPLY TO:

(1) ALL HONEY PRODUCED BY HONEY BEES FROM NECTAR;

(2) ALL STYLES OF HONEY PRESENTATION THAT ARE PROCESSED AND ULTIMATELY INTENDED FOR DIRECT CONSUMPTION; AND

(3) ALL HONEY PACKED, PROCESSED, OR INTENDED FOR SALE IN BULK CONTAINERS AS HONEY THAT MAY BE REPACKED FOR RETAIL SALE OR USE AS AN INGREDIENT IN OTHER FOODS.

1 10-1804.

2 (A) A PRODUCT MEETS THE MARYLAND STANDARD OF IDENTITY FOR
3 HONEY IF THE PRODUCT:

4 (1) DOES NOT CONTAIN ANY SUBSTANCE OTHER THAN HONEY,
5 INCLUDING ANY FOOD ADDITIVE AS DEFINED IN § 21-101 OF THE HEALTH –
6 GENERAL ARTICLE;

7 (2) HAS NOT BEGUN TO FERMENT OR EFFERVESCE;

8 (3) HAS NOT HAD ANY POLLEN OR CONSTITUENT UNIQUE TO
9 HONEY REMOVED, UNLESS THE REMOVAL WAS UNAVOIDABLE IN CONJUNCTION
10 WITH THE REMOVAL OF FOREIGN MATTER;

11 (4) HAS NOT BEEN SUBJECTED TO CHEMICAL OR BIOCHEMICAL
12 TREATMENTS USED TO INFLUENCE HONEY CRYSTALLIZATION;

13 (5) HAS NOT HAD ANY WATER ADDED TO THE PRODUCT IN THE
14 COURSE OF EXTRACTION OR PACKING FOR SALE OR RESALE AS HONEY;

15 (6) DOES NOT HAVE A MOISTURE CONTENT GREATER THAN 23%;

16 (7) HAS A RATIO OF FRUCTOSE TO GLUCOSE GREATER THAN
17 0.9%;

18 (8) HAS A TOTAL AMOUNT OF FRUCTOSE AND GLUCOSE EQUAL TO
19 AT LEAST 60 GRAMS PER 100 GRAMS; AND

20 (9) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,
21 HAS A SUCROSE CONTENT NO GREATER THAN 5 GRAMS PER 100 GRAMS.

22 (B) (1) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF
23 HONEY MAY NOT BE GREATER THAN 10 GRAMS PER 100 GRAMS:

24 (I) ALFALFA (MEDICAGO SATIVA);

25 (II) CITRUS SPP.;

26 (III) FALSE ACACIA (ROBINIA PSEUDOACACIA);

27 (IV) FRENCH HONEYSUCKLE (HEDYSARUM);

28 (V) MENZIES BANKSIA (BANKSIA MENZIESII);

1 (VI) RED GUM (EUCALYPTUS CAMALDULENSIS);

2 (VII) LEATHERWOOD (EUCRYPHIA LUCIDA); AND

3 (VIII) EUCRYPHIA MILLIGANI.

4 (2) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF
5 HONEY MAY NOT BE GREATER THAN 15 GRAMS PER 100 GRAMS:

6 (I) LAVENDER (LAVANDULA SPP); AND

7 (II) BORAGE (BORAGO OFFICINALIS).

8 10-1805.

9 (A) A PERSON MAY DESIGNATE A FOOD PRODUCT AS “HONEY” IF THE
10 PRODUCT CONFORMS TO THE STANDARD OF IDENTITY FOR HONEY SET FORTH
11 IN § 10-1804 OF THIS SUBTITLE.

12 (B) IF A FOOD PRODUCT CONTAINS ANY FLAVORING, SPICE, OR OTHER
13 INGREDIENT IN ADDITION TO HONEY, THE NAME OF THE PRODUCT SHALL
14 DISTINGUISH THE PRODUCT FROM PURE HONEY AND DESIGNATE THE FOOD
15 ADDITIVE.

16 (C) IF PROCESSING MATERIALLY CHANGES THE FLAVOR, COLOR,
17 VISCOSITY, OR OTHER MATERIAL CHARACTERISTIC OF PURE HONEY, THE NAME
18 OF THE PRODUCT SHALL DISTINGUISH THE PRODUCT FROM PURE HONEY AND
19 DESIGNATE THE MODIFICATION.

20 (D) THE DESIGNATION OF HONEY THAT COMES PREDOMINANTLY FROM
21 A FLORAL OR OTHER PLANT SOURCE AND HAS THE ORGANOLEPTIC,
22 PHYSICOCHEMICAL, AND MICROSCOPIC PROPERTIES CORRESPONDING WITH
23 THAT ORIGIN, MAY USE THE COMMON OR BOTANICAL NAME OF THE SOURCE IN
24 CONJUNCTION WITH THE WORD “HONEY”.

25 (E) HONEY STORED BY BEES IN THE CELLS OF FRESHLY BUILT
26 BROODLESS COMBS AND SOLD IN SEALED WHOLE COMBS OR SECTIONS OF
27 COMBS MAY BE DESIGNATED AS “COMB HONEY”.

28 (F) HONEY CONTAINING ONE OR MORE PIECES OF COMB HONEY MAY BE
29 DESIGNATED AS “CUT COMB HONEY”, “HONEY WITH COMB”, OR “CHUNK
30 HONEY”.

31 ~~10-1804.~~ 10-1806.

1 ~~(A)~~ A PERSON WHO SUFFERS DAMAGES AS A RESULT OF A VIOLATION
2 OF THIS SUBTITLE MAY BRING ~~AN~~ A CIVIL ACTION FOR DAMAGES IN ANY COURT
3 OF COMPETENT JURISDICTION.

4 ~~(B)~~ ~~AN AWARD FOR DAMAGES UNDER THIS SUBTITLE MAY NOT EXCEED~~
5 ~~\$5,000.~~

6 10-1807.

7 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE RELATING
8 TO THE EXERCISE OF THE DEPARTMENT'S ENFORCEMENT AUTHORITY, THE
9 DEPARTMENT IS NOT REQUIRED TO ENFORCE THE REQUIREMENTS OF THIS
10 SUBTITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.